

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Charles Jay Wolff

v.

Case No. 20-cv-956-LM

USA, et al.

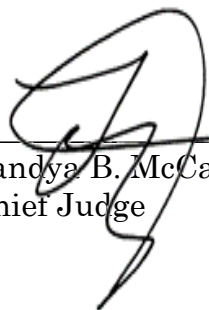
O R D E R

Magistrate Judge Andrea K. Johnstone issued a Report and Recommendation in this action on May 19, 2021 (doc. no. [13](#)), recommending that the habeas corpus petition (doc. no. [1](#)) as supplemented by petitioner's addendum (doc. no. [12](#)) be denied and petitioner's claims dismissed without prejudice. On May 26, 2021, petitioner filed a document styled as a "motion to retract" this case (doc. no. [14](#)) and demanding return of petitioner's filing fee (although the court's record does not reflect that petitioner ever paid any filing fee in this action). On May 27, 2021, petitioner submitted a document styled as a "motion in question" to the United States District Court for the District of Massachusetts (the court in which petitioner initially filed his habeas corpus petition and the transferor court in this action); that document was docketed in this case as doc. no. [15](#).

Although the caption of the document filed May 26, 2021, suggests that petitioner intends to withdraw his habeas corpus petition voluntarily, the text of the document does not lend support to that interpretation. Because the court does not find that petitioner clearly expresses his intention to withdraw his habeas corpus petition, the court declines to deem petitioner's petition voluntarily withdrawn.

Although the document filed May 27, 2021, contains few, if any, indications that petitioner intended it to serve as a statement of objections to Judge Johnstone's Report and Recommendation, in the interest of ensuring that petitioner has a full opportunity to be heard, the court construes it as such. After due consideration of that document, the court herewith approves the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated May 19, 2021.

Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0. All pending motions (including doc. nos. 14 and 15) are denied as moot.



Landya B. McCafferty
Chief Judge

Date: July 14, 2021

cc: Charles Jay Wolff, pro se